

APPLICATION 21637, PERMIT 16212

PERMIT AMENDED

SEE WR ORDER 95-6

ISSUED JUNE 8, 1995

PERMIT NO. 16212

APPLICATION NO. 21637

SEE DECISION 1485 ISSUED 8-16-78
& order 78-17, 10-13-78

P 16212

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5625 and 26 others PERMIT 12720 and 26 others
(as listed on attached sheet)

LICENSE _____

ORDER ALLOWING EXTENSION OF TIME
TO COMPLY WITH SUISUN MARSH STANDARDS

WHEREAS:

1. Order Condition 7(b) of Decision 1485 requires the permittee to meet specific water quality standards for full protection of the Suisun Marsh by October 1, 1984, as set forth in Table II of the Decision.
2. A petition for an extension of time to comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(b) and Table II of Decision 1485 was filed by the U. S. Bureau of Reclamation on August 6, 1985.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW THEREFORE, IT IS ORDERED THAT:

1. Order Condition 7(b) of Decision 1485 is superseded in accordance with Order Conditions 2 and 3 below.
2. Permittee shall comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(a) of Decision 1485 (hereinafter termed standards) in accordance with the following schedule:
 - (a) Permittee shall meet the standards by October 1, 1988 at the following locations:
 - (1) Sacramento River at Collinsville Road in Collinsville (C-2)
 - (2) Montezuma Slough at National Steel (three miles south of Mien's Landing) (S-64)
 - (3) Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)
 - (b) Permittee shall either meet the standards by October 1, 1991 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33),or meet the standards by October 1, 1993 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough at Cordelia-Goodyear Ditch (S-97)
 - (c) Permittee shall either meet the standards by October 1, 1991 at Goodyear Slough at the Morrow Island Clubhouse (S-35), or meet the standards by October 1, 1994 at Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)

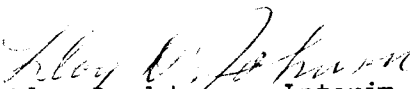
(d) Permittee shall meet the standards by October 1, 1997 at:

- (1) Suisun Slough 300 feet south of Volanti Slough (S-42), and
- (2) Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island. (0400700)

3. Table II of Decision 1485 is amended on page 39 to replace the Suisun Marsh electrical conductivity standards that became effective October 1, 1984 with the following:

BENEFICIAL USE PROTECTED and LOCATION	PARAMETER	DESCRIPTION	YEAR TYPE	VALUES	
FISH AND WILDLIFE				Month	EC in mmhos
• SUISUN MARSH - To become effective on October 1, 1988 at: Sacramento River at Collinsville Road in Collinsville (C-2) Montezuma Slough at National Steel (3 miles south of Mein's Landing) (S-64) Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49) - To become effective either on October 1, 1991 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33); or on October 1, 1993 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough at Cordelia-Goodyear Ditch (S-97) - To become effective either on October 1, 1991 at: Goodyear Slough at the Morrow Island Clubhouse (S-35); or on October 1, 1994 at: Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75) - To become effective on October 1, 1997 at: Suisun Slough, 300 feet south of Volanti Slough (S-42), and Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island.	Electrical Conductivity (EC)	The monthly average of both daily high tide values not to exceed the values shown (or demonstrate that equiva- lent or better protection will be provided at the location)	All	Oct.	19.0
				Nov.	15.5
				Dec.	15.5
				Jan.	12.5
				Feb.	8.0
				Mar.	8.0
				Apr.	11.0
				May	11.0

4. By January 15 of each year, permittee shall provide, either separately or jointly with California Department of Water Resources, a written report to the Board on its progress toward achieving full compliance with this order. (0000700)


Lloyd D. Johnson, Interim Chief
Division of Water Rights

Dated **DECEMBER 5 1985**

ATTACHMENT A

Permits of the United States Bureau of Reclamation:

Permit 12720 (Application 5625)
Permit 12721 (Application 5626)
Permit 11966 (Application 5627)
Permit 11967 (Application 5628)
Permit 12722 (Application 9363)
Permit 12723 (Application 9364)
Permit 12724 (Application 9365)
Permit 12725 (Application 9366)
Permit 12726 (Application 9367)
Permit 12727 (Application 9368)
Permit 11315 (Application 13370)
Permit 11316 (Application 13371)
Permit 11317 (Application 13372)
Permit 11318 (Application 14662)
Permit 11968 (Application 15374)
Permit 11969 (Application 15375)
Permit 11970 (Application 15376)
Permit 12860 (Application 15764)
Permit 11971 (Application 16767)
Permit 11972 (Application 16768)
Permit 11973 (Application 17374)
Permit 16209 (Application 18721)
Permit 16210 (Application 18723)
Permit 15149 (Application 21542)
Permit 16211 (Application 21636)
Permit 16212 (Application 21637)
Permit 15735 (Application 22316)

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications 18721,
18723, 21636 and 21637 of UNITED
STATES BUREAU OF RECLAMATION to
Appropriate from the North Fork
American River in Placer County

DECISION IN FURTHERANCE OF
JURISDICTION RESERVED IN DECISION 1356

DECISION 1400 CONTAINS THE FOLLOWING

ORDER

IT IS HEREBY ORDERED THAT:

The Board continue the reservation of jurisdiction over these permits for the purpose of formulating terms and conditions relative to flows to be maintained from Nimbus Dam downstream to the mouth of the American River for recreational purposes and for protection and enhancement of fish and wildlife. This jurisdiction will not be exercised except after notice to the parties and a hearing.

IT IS FURTHER ORDERED THAT:

Permits issued on Applications 18721, 18723, 21636 and 21637 be amended to include the following terms and conditions:

1. Flows of not less than 75 cfs shall be maintained year-round from Auburn Dam to Folsom Reservoir.

2. Flows shall be maintained in the entire reach of the American River from Nimbus Dam to the Sacramento River for maintenance of fish and wildlife of not less than 1,250 cfs from October 15 of each year to the succeeding July 14, and not less than 800 cfs from July 15 to October 14. Reductions below these ordered amounts may be made in the same proportions as deficiencies are imposed in project water delivered for irrigation within the Folsom South service area due to an inadequate project water supply, subject to the provisions of condition 4. (Amended by order dated May 4, 1972.)

3. Flows shall be maintained in the entire reach of the American River from Nimbus Dam to the Sacramento River for recreational purposes of not less than 1,500 cfs from May 15 to October 14 of each year. The flows required by this condition and condition 2 are not cumulative. Flows required by this condition may be reduced or eliminated to the extent necessary to prevent imposition of deficiencies in project water delivered for irrigation within the Folsom South service area due to an inadequate project water supply, subject to the provisions of condition 4. (Amended by order dated May 4, 1972.)

4. The reduction in flows for fish, wildlife and recreational purposes authorized in conditions 2 and 3 shall not result in failure to bypass August, September and October flows to which permittee is not entitled. After completion of

a Hood-Clay connection, no reduction in flows shall be made pursuant to conditions 2 or 3 which will result in American River flow into the Sacramento River less than the concurrent supply of water from American River to any areas which can be served through a Hood-Clay connection.

5. No water shall be appropriated to storage in Auburn Reservoir, and no water stored in Auburn Reservoir shall be rediverted into the Folsom South Canal except when the releases of water from Nimbus Dam required by Decision D 893 are supplemented by releases from Auburn Dam to the extent necessary to result in the flows required by this decision, provided this term shall not be interpreted to interfere with any Bureau-integrated operation of Auburn, Folsom, and Nimbus dams and reservoirs that will result in releases of the required flows at Nimbus Dam.

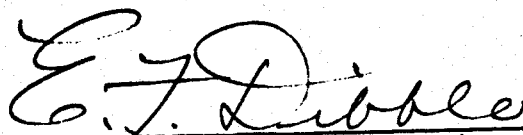
IT IS FURTHER ORDERED THAT:

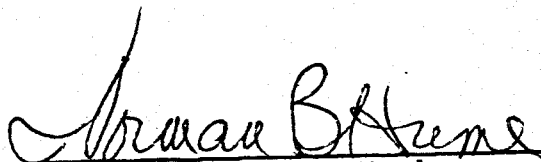
Permits issued on Applications 18721 and 21637 be amended to provide that the pumping plant at Hood on the Sacramento River is (a) an authorized point of rediversion of water stored pursuant to this permit and released down the American River, and (b) an authorized alternative point of direct diversion of American River water, provided that the combined direct diversion and rediversion of stored water at Hood shall not exceed the concurrent flow of American River into the Sacramento River.

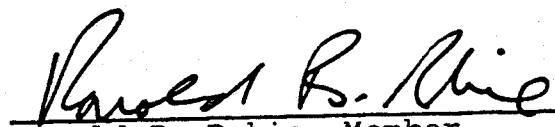
Adopted as the decision and order of the State
Water Resources Control Board at a meeting duly called and
held at Sacramento, California.

Dated: April 11, 1972


W. W. Adams, Chairman


E. F. Dibble, Vice Chairman


Norman B. Hume, Member


Ronald B. Robie, Member

P16212

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATIONS 18721
18723
21636
21637

PERMITS 16209
16210
16211
16212

LICENSE _____

ORDER APPROVING AN EXTENSION OF TIME

WHEREAS:

1. Decision 1356 was adopted by the Board on February 5, 1970 approving the Auburn Project applications and granting release from priority of "State Filings" in favor of the Auburn applications.
2. Permits 16209, 16210, 16211 and 16212 were issued on April 3, 1971 covering the proposed Auburn Project. Construction work completed includes Reaches 1 and 2 of the Folsom South Canal, the diversion tunnel, dam excavation and construction of the foundation for the previously planned arch dam, a major bridge and seven miles of road relocation.
3. Although construction was started, analyses involving safety and other issues have resulted in proposals for reformulation and re-authorization of the project.
4. Should such changes in the project be determined by the Board to be substantial, they must be submitted to the Board for approval in accordance with Water Code Section 10504.5.
5. The time allowed in Permits 16209, 16210, 16211 and 16212 in which to complete construction has expired. Permittee U. S. Bureau of Reclamation has submitted for Board consideration a timetable of activities preliminary to resuming construction of the Auburn Project.
6. The determination of new dates within which construction work and use of water should be completed should be deferred until more work on the preliminary activities is completed.
7. Permittee's progress to date together with the proposed schedule of activities preliminary to resuming construction constitute due diligence commensurate with the size of the project and the obstacles to be overcome.
8. Concern has been expressed with regard to the effect of the proposed Auburn Project on unregulated spring outflow of the Sacramento and American Rivers and the Sacramento-San Joaquin Delta.

Applications 18721 (Permits 16209)

18723 16210

21636 16211

21637 16212

Page 2

9. Permittee U. S. Bureau of Reclamation should include in its studies concerning reformulation of the Auburn Project, the effects of the project on unregulated spring outflows of the American and Sacramento Rivers and the Sacramento-San Joaquin Delta.

NOW, THEREFORE IT IS ORDERED THAT:

1. The dates contained in Permits 16209, 16210, 16211 and 16212 within which to complete construction work and application of water to the authorized use are deleted.
2. Permittee shall, prior to submittal of the Auburn-Folsom South Unit to Congress for reauthorization and prior to resumption of construction, but not later than December 31, 1987, submit the project under Permits 16209, 16210, 16211 and 16212 to the Board for determination and approval in accordance with Water Code Section 10504.5 and establishment of dates for completion of construction work and use of water.
3. The project submittal to the Board shall include the documents prepared by permittee to fulfill the requirements of the National Environmental Policy Act. In the event the proposed project becomes a joint venture with one or more state or local agencies, the project submittal shall include the documents necessary to fulfill the requirements of the California Environmental Quality Act.

Dated: MAY 11 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16212

Application 21637 of The United States of America, c/o United States Department of the Interior, Bureau of Reclamation, Region 2, 2800 Cottage Way, Sacramento, California 95825 OVER

filed on February 6, 1964, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) North Fork American River	American River thence
	Sacramento River
(2) Knickerbocker Creek	North Fork American River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) N 78° 45' W 2,950' from SE corner Section 23	SE ¼ of SW ¼ ¼ of ¼	23	12N	8E	MD
(2) N 80° 45' E 2,300' from SW corner Section 24	SE ¼ of SW ¼ ¼ of ¼ ¼ of ¼	24	12N	8E	MD

County of Placer and El Dorado

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Irrigation,	Within the Central					gross
Municipal, Industrial,	Valley Project					area
Domestic, Recrea-						of
tional, Fish and						10,124,700
Wildlife Enhance-						acres
ment and Water						
Quality Control						

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 900 cubic feet per second by direct diversion to be diverted from about November 1 of each year to about July 1 of the succeeding year and 800,000 acre-feet per annum by storage to be collected from about November 1 of each year to about July 1 of the succeeding year. (vvv vvv 5)

6. The total amount of water to be diverted under this permit and permit issued pursuant to Application 18723 shall not exceed 2,500,000 acre-feet per year. (vvv 0114)

7. This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose. (vvv vvv 5)

8. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (vvv vvv 80)

9. The maximum quantity herein stated may be reduced in the license if investigation warrants. (vvv vvv 6)

10. Actual construction work shall begin on or before nine months from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. (vvv vvv 7)

11. Said construction work shall be completed on or before December 1, 1975. (vvv vvv 8)

12. Complete application of the water to the proposed uses shall be made on or before December 1, 2000. (vvv vvv 9)

13. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued. (vvv vvv 10)

14. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water. (vvv vvv 12)

15. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (vvv vvv 13)

16. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

17. Permittee shall install and maintain an outlet pipe of adequate capacity in its dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights.

(0050043)

18. Permittee shall install and maintain measuring devices satisfactory to the State Water Resources Control Board in order that accurate measurement can be made of the quantity of water flowing into and out of its reservoir.

(0060046)

19. In accordance with the requirements of Water Code Section 1393, permittee shall clear the reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

(0120050)

20. Before making any change in the project determined by the State Water Resources Control Board to be substantial, permittee shall submit such change to the Board for its approval in compliance with Water Code Section 10504.5(a).

(0000119)

21. The State Water Resources Control Board reserves continuing jurisdiction over this permit for the purpose of formulating terms and conditions relative to flows to be maintained from Auburn Dam downstream to the mouth of the American River for recreational purposes and for protection and enhancement of fish and wildlife.

(0140600)

22. The quantities of water which may be diverted or rediverted under the right acquired or to be acquired under this permit, to the extent such right is exercised by the permittee for water to be applied to beneficial use outside of the watershed tributary to Folsom and Auburn Reservoirs, are and shall remain subject to reduction by future appropriation of water for reasonable beneficial use within the watershed tributary to Folsom and Auburn Reservoirs.

(0000800)

23. The Board reserves jurisdiction to impose such additional terms and conditions, including a further reservation of jurisdiction, as shall be specified in connection with this permit in the decision which will be issued in the proceeding entitled "In the Matter of Application 5625 and 38 Other Applications to Appropriate from the Sacramento-San Joaquin Delta Water Supply," relative to (1) salinity control in the Sacramento-San Joaquin Delta, (2) coordinating terms and conditions of these permits with terms and conditions which have been or which may be included in permits issued pursuant to applications of the United States in furtherance of the Central Valley Project and applications of the State of California in furtherance of the State Water Project, and (3) flows to be maintained in the Delta for the protection of fish and wildlife.

(0140600)

~~The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed~~

24. Until the East Side Division of the Central Valley Project has been authorized by Congress and further hearing held, the Board reserves continuing jurisdiction over this permit for the purpose of formulating terms and conditions to provide, as necessary, in the public interest, release of water from the proposed East Side Canal into the natural stream channels crossed by said East Side Canal and south of Lone Tree Creek located in San Joaquin County for the maintenance and enhancement of fish and wildlife and to carry out water quality control plans which have been or may be established pursuant to Division 7 of the Water Code. (0140600)

25. This permit shall have a priority over State Application 7937 filed May 21, 1934. (0000800)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **APR 13 1971**

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

2-1-80 Name chgd To U.S. Water + power Res. Service